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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-346

12 **ROSALYN TRICHELLE BASKIN**  
13 **9942 Beverly Street**  
14 **Bellflower, CA 90706**

**A C C U S A T I O N**

15 **Registered Nurse License No. RN 400900**

16 Respondent.

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18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1986, the Board issued Registered Nurse License Number  
23 RN 400900 to Rosalyn Trichelle Baskin (Respondent). The Registered Nurse License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on September  
25 30, 2010, unless renewed.

26 **STATUTORY PROVISIONS**

27 2. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 3. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 4. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed nurse or deny an  
9 application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the following: . . .

11 \* \* \*

12 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
13 functions, and duties of a registered nurse, in which event the record of the conviction  
14 shall be conclusive evidence thereof . . .

15 5. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the meaning of  
17 this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
18 licensed under this chapter to do any of the following: . . .

19 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
20 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself,  
21 or furnish or administer to another, any controlled substance as defined in Division 10  
22 (commencing with Section 11000) of the Health and Safety Code or any dangerous  
23 drug or dangerous device as defined in Section 4022.

24 (b) Use any controlled substance as defined in Division 10 (commencing with  
25 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
26 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
27 dangerous or injurious to himself or herself, any other person, or the public or to the  
28 extent that such use impairs his or her ability to conduct with safety to the public the  
practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or  
self-administration of any of the substances described in subdivisions (a) and (b) of  
this section, or the possession of, or falsification of a record pertaining to, the  
substances described in subdivision (a) of this section, in which event the record of  
the conviction is conclusive evidence thereof. . .

6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made  
to a charge substantially related to the qualifications, functions and duties of a  
registered nurse is deemed to be a conviction within the meaning of this article. The

board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

### **REGULATORY PROVISIONS**

7. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

\* \* \*

(c) Theft, dishonesty, fraud, or deceit.

### **COST RECOVERY**

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FIRST CAUSE FOR DISCIPLINE** **(Criminal Conviction)**

9. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that she was convicted of a crime which is substantially related to the qualifications, functions, and duties of a registered nurse, as follows:

a. On or about March 17, 2006, in the criminal proceeding titled *People v. Rosalyn Trichelle Baskin* (Super. Ct. Los Angeles County, 2006, No. 6LT00025), Respondent was convicted by the Court on her plea of nolo contendere to one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) (Driving While Having a Blood Alcohol Level of 0.08% or Higher). The Court placed Respondent on summary probation for 48 months, and ordered Respondent to perform 8 days of community service, to participate in and successfully complete a three-month licensed, first-offender alcohol education and counseling program, and pay fines and fees of approximately \$1,849.00.

b. The circumstances of the crime are that on or about December 31, 2005, Respondent was driving a motor vehicle while having .22% or more by weight of alcohol in her blood, and rear-ended a parked police car, which was on a traffic stop with its rear emergency lights flashing.

## SECOND CAUSE FOR DISCIPLINE

**(Use of Alcoholic Beverages to an Extent or in a Manner**

**Dangerous or Injurious to Others)**

10. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b). On or about December 31, 2005, while licensed as a registered nurse, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself, others, and the public, as further set forth in Paragraph 9, above.

### THIRD CAUSE FOR DISCIPLINE

**(Conviction Related to the Consumption of Alcoholic Beverages)**

11. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c). On or about March 17, 2006, Respondent was convicted of a criminal offense involving the consumption of alcoholic beverages, as further set forth in Paragraph 9, above.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 400900, issued to Rosalyn Trichelle Baskin.

2. Ordering Rosalyn Trichelle Baskin to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 1/25/10. *Grace Baum*  
for LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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